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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,083	04/04/2001	Bruce Royer	57111-5094	3868

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT PAPER NUMBER

3627

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/826,083

**Applicant(s)**

ROYER ET AL.

**Examiner**

James S McClellan

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/28/05 has been entered.

### ***Amendment***

2. Applicant's submittal of an amendment on 3/28/05 was entered, wherein:

claims 1-48 are pending and

claims 1 and 18 have been amended.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 35-37, 40-44, 46, and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,892,905 (Brandt).

Brandt discloses a system and method for accessing rental equipment reservation software applications via the world-wide web, including the steps of: displaying reservation

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summary having reservation data (i.e. car preference, origin city, etc.) and vehicle type information (see column 23, lines 64-67); tracking equipment inventory (see column 23, lines 30-40); making confirmation of reservation (see column 28, lines 60-63); updating reservation information (see column 32, lines 47-48); searching equipment inventory (see paragraph bridging columns 29-30); and displaying customer information and customer history information(see column 31, lines 7-11).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 9-13, 15, 17-24, 26-30, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of U.S. Patent No. 5,253,166 (Dettelbach).

As set forth above, Brandt discloses a system and method for accessing rental equipment reservation software applications via the world-wide web, including the steps of: displaying reservation summary having reservation data (i.e. car preference, origin city, etc.) and vehicle type information (see column 23, lines 64-67); tracking equipment inventory (see column 23, lines 30-40); making confirmation of reservation (see column 28, lines 60-63); updating reservation information (see column 32, lines 47-48); searching equipment inventory (see paragraph bridging columns 29-30); and displaying customer information and customer history information(see column 31, lines 7-11).

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Brandt fails to explicitly state that a plurality of customer reservations as displayed.

Dettelbach teaches the use of displaying a plurality of customer reservations (see column 9, line 58 - column 10, line 42; see also Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brandt with display capabilities of Dettelbach, because providing customers with the ability to review multiple reservations because customers often have several different reservations associated with a single event (for example, car rental and hotel rental).

7. Claims 6, 9, 23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of Dettelbach and further in view of Internet Publication to Ryder (hereinafter “Ryder”).

If it is held that fails to inherently disclose displaying route selection information selected from one-way and in-town, then Ryder is relied upon to teach one-way truck rental (see page 2, “Save 10% on All One-Way Rentals”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brandt/Dettelbach with the display of one-way or in-town route information as taught by Ryder, because it is important for vehicle inventory tracking to determine if a rental truck will be returned to the original vendor or a different vendor.

8. Claims 8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of Dettelbach and further in view of U.S. Patent No. 6,266,277 (hereinafter “Craig”).

Brandt/Dettelbach fail to expressly disclose alerting the user of upon the detection of an update failure.

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Craig teaches the use of a system alerting the user of upon the detection of an update failure (see paragraph bridging columns 7-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brandt/Dettelbach with update alert failures as taught by Craig, because update alert failure notifications allows the user to determine when updates have problems.

9. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of U.S. Patent No. 6,266,277 (hereinafter "Craig").

Brandt fails to expressly disclose alerting the user of upon the detection of an update failure.

Craig teaches the use of a system alerting the user of upon the detection of an update failure (see paragraph bridging columns 7-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brandt with update alert failures as taught by Craig, because update alert failure notifications allows the user to determine when updates have problems.

10. Claims 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of Dettelbach and further in view of U.S. Patent No. 6,085,976 (hereinafter "Sehr").

Brandt/Dettelbach fail to expressly disclose displaying payment information.

Sehr teaches the use of displaying payment information (see column 16, lines 1-19).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brandt/Dettelbach with payment information display as taught by Sehr, because it is advantageous for vehicle rental vendors to know if a customers has paid for the rental before the customer leaves with the vehicle.

11. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of U.S. Patent No. 6,085,976 (hereinafter "Sehr").

Brandt fails to expressly disclose displaying payment information.

Sehr teaches the use of displaying payment information (see column 16, lines 1-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brandt with payment information display as taught by Sehr, because it is advantageous for vehicle rental vendors to know if a customers has paid for the rental before the customer leaves with the vehicle.

12. Claims 16 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of Dettelbach and further in view of U.S. Patent No. 5,344,172 (hereinafter "Jaun").

Brandt/Dettelbach fail to expressly disclose verifying compatibility between a requested towing combination.

Jaun teaches that different towing combinations have varying towing capacities (see column 1, lines 29-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brandt/Dettelbach with verifying towing combinations as taught by Jaun, because improper towing combinations can damage the rental equipment and possibly cause physical harm to the users.

13. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of U.S. Patent No. 5,344,172 (hereinafter "Jaun").

Brandt fails to expressly disclose verifying compatibility between a requested towing combination.

Jaun teaches that different towing combinations have varying towing capacities (see column 1, lines 29-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brandt with verifying towing combinations as taught by Jaun, because improper towing combinations can damage the rental equipment and possibly cause physical harm to the users.

#### ***Response to Arguments***

14. Applicant's arguments filed March 28, 2005 have been fully considered but they are not persuasive.

On page 9, Applicant argues the 35 U.S.C. § 101 rejection set forth in the previous office action. In response to Applicant's amendment to claim 18, the 35 U.S.C. § 101 rejection is withdrawn.

On pages 10-12, Applicant argues the 35 U.S.C. § 102 rejection of claims 1-7, 9-13, 15, 17-24, 26-30, 32 and 34. Applicant's arguments related to claims 1 and 18 (and all dependent claims) are moot in view of the new grounds of rejection necessitated by Applicant's amendment.



On page 13, Applicant argues that Brandt fails to disclose all the features of claim 35. More specifically, Applicant argues that Brandt does not teach an equipment inventory field having information pertaining to the type of equipment and the number of equipment available at each of a plurality of locations. The Examiner respectfully disagrees. In column 23, lines 6-41, Brandt notes that in process step (2050) a list of cars (inventory) that are available at alternate locations (plurality of locations). Therefore, it is the Examiner's position that Brandt anticipates all the limitations required by claim 35.

On page 12, final paragraph, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Regarding claims 36, 37 and 40, Brandt clearly discloses searching a location for inventory (see column 23, lines 6-41). All other limitations generally argued by Applicant are also taught by Brandt.

On page 13, Applicant argues that Brandt in combination with Ryder fails to disclose reservation or equipment tracking and does not disclose a reservation summary. Ryder truck rental is clearly directed to reservation and equipment tracking. However, the Ryder reference is relied upon to teach the use of one-way truck rental. As set forth on page 2 of Ryder, one-way truck rentals are old and well known in the art. In addition to the motivation supplied above, it would have been obvious to employ the old and well known one-way truck rental option as taught by Ryder into the reservation system disclosed by Brandt, because providing users with one-way truck rental provide the user with greater customer service.

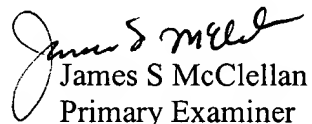
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***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James S McClellan  
Primary Examiner  
Art Unit 3627

jsm  
April 15, 2005